

NO. CV95 - 545629

CARLOS RIVERA

: SUPERIOR COURT

v.

: JUDICIAL DISTRICT OF HARTFORD

JOHN ROWLAND, GOVERNOR, et al

: JULY 2, 1999

**JOINT MOTION FOR APPROVAL OF WITHDRAWAL OF ACTION**

Plaintiffs, acting on behalf of themselves and the plaintiff class, by and through the undersigned counsel, hereby move for permission to withdraw this action, as required by Conn. Prac. Bk. § 9-9. A proposed withdrawal of action is attached as Exhibit 1.

In this class action lawsuit, plaintiffs alleged that severe understaffing, excessive caseloads, inadequate policies and procedures, and other systemic deficiencies in the Connecticut public defender system made it unlikely that the system's clients would receive constitutionally and statutorily adequate representation in criminal and juvenile delinquency proceedings. Plaintiffs further alleged that unless fundamental changes were made in the system, significant numbers of indigent persons represented by the system were threatened with the deprivation of their rights under the Sixth and Fourteenth Amendments to the United States Constitution, the Connecticut Constitution and various state statutes.

Defendants strongly disagreed with plaintiffs' position. In response to the plaintiffs' claims, defendants asserted that the Connecticut public defender system has continued to provide effective representation to clients in all matters in which public defender representation is provided. Defendants also raised or asserted several legal and jurisdictional defenses. In addition, since this lawsuit was filed, defendants have made a number of changes to the Connecticut public defender system. These include the following:

1. The budget approved by the General Assembly for the fiscal year ending June 30, 1998 included additional funding for the Public Defender Services Commission in the amount of \$1,350,000. This funding was used to increase the staffing of the public defender system by 20 new attorney and support positions, to increase the funds available for outside services, such as expert witnesses, by \$170,000, and to increase the funds available for non-contractual special public defenders by \$345,000.
2. During August 1997 the Habeas Corpus Unit was moved to new space in the Office of the Chief Public Defender in Hartford. The permanent staffing of the unit has increased from 3 full-time attorneys to 4 full-time attorneys and one full-time investigator has been employed.
3. The budget approved by the General Assembly for the fiscal year ending June 30, 1999 included 4 new positions for staffing a new Judicial District office and 2 new positions for a new Juvenile office, both in New Britain.
4. The budget approved by the General Assembly for the July 1999 through June 2001 biennium included increased funding in the amount of \$4,556,370 for FY 2000 and an additional increase of \$2,184,992 for FY 2001. This total includes funding for 29 new permanent positions in FY 2000, including a new Executive Assistant Public Defender position to serve as Director of Special Public Defenders, and funding for an additional 25 new permanent positions in FY 2001. The total also includes an increase in the appropriation for training, and funds for associated expenses, for the purchase of 161 new computers and other equipment, and for an increase in the rates of compensation for special public defenders.
5. The Public Defender Services Commission adopted the following new or revised policies on June 15, 1999: Caseload Goals for Public Defenders; Duties and Responsibilities of Director of Special Public Defenders; Special Public Defender Supervision and Evaluation; Special Public Defender Qualifications and Training; Special Public Defender Compensation Rates; Annual Performance Evaluation of Attorneys; Amendment to Guideline 2.1 of the Public Defender Services Commission's "Guidelines on Indigent Defense" concerning training; and, other changes to the "Guidelines on Indigent Defense". Copies of said policies are appended to this motion as Exhibits 2 through 9.
6. According to the Annual Reports prepared by the Office of the Chief Public Defender between January 1995 and January 1999 the average caseload per attorney in the Judicial District offices has declined from 113 cases per year to 61 cases per year, the average caseload per attorney in the Geographical Area offices has declined from 1045 cases per year to 618 cases per year, and the average caseload per attorney in the Juvenile Matters offices has declined from 716 cases per year to 544 cases per year. In addition, according to the Annual Reports, an attorney has been added to the staff of the Training Department, and additional computers and legal research software have been acquired.

The plaintiffs understand that the proposed withdrawal does not create any legal obligations on the part of any defendant. Nevertheless, in light of the many positive changes in Connecticut's public defender system that have occurred during the pendency of this litigation it

is no longer necessary to proceed with the litigation. Accordingly, subject to appropriate notice to the class, if required by the court, plaintiffs acting on behalf of themselves and plaintiff class move for permission to withdraw this action, in accordance with Conn. Prac. Bk. § 9-9. The defendants join in this motion.

BY:

---

Robin Dahlberg  
Reginald Shuford  
American Civil Liberties Union  
125 Broad Street  
New York, NY 10004-2400  
(212) 549-2500

---

Ann Parrent  
Philip D. Tegeler  
Connecticut Civil Liberties Union Foundation  
32 Grand Street  
Hartford, CT 06106  
(860) 247-9823

Attorneys for the Named Plaintiffs  
Individually and as Class Representatives

**DEFENDANTS**

BY: RICHARD BLUMENTHAL  
ATTORNEY GENERAL

---

Robert B. Teitelman  
Assistant Attorney General  
55 Elm Street, P.O. Box 120  
Hartford, CT 06141-0120  
(860) 808-5355

**CERTIFICATION**

I hereby certify that a copy hereof was hand-delivered this date to all counsel and pro/se parties of record, in accordance with Conn. Prac. Bk. § 10-12, to: Robert B. Teitelman, Assistant Attorney General, 55 Elm Street, P.O. Box 120, Hartford, CT 06141-0120.

---

Ann Parrent

